IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

CRL.A.No. 124 of 2002()

CC.614/1998 of JUDL.MAGISTRATE OF FIRST CLASS-III, KOTTAYAM
.....

APPELLANT: COMPLAINANT

B.SIRAJ,PULIMOOTTIL,PARK LANE,
KOTTAYAM.

BY ADV. SRI.MOHAN JACOB GEORGE

RESPONDENTS: ACCUSED

T.J.CHACKO,PEON,SURVEY RANGE OFFICE,
KOTTAYAM SOUTH,KOTTAYAM-1.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.124 of 2002

Dated this the 25th day of July, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(1) of Crl.P.C. as the complainant was absent. It is submitted that the lapse was on account of the wrong noting of the posting of the case.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 16.8.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl